

1 AN ACT to amend the Telephone Solicitations Act by
2 changing Section 25.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Telephone Solicitations Act is amended by
6 changing Section 25 as follows:

7 (815 ILCS 413/25)

8 Sec. 25. Violations.

9 (a) It is a violation of this Act to make or cause to be
10 made telephone calls to any emergency telephone number as
11 defined in Section 5 of this Act. It is a violation of this
12 Act to make or cause to be made telephone calls in a manner
13 that does not comply with Section 15.

14 (b) It is a violation of this Act to continue with a
15 solicitation placed by a live operator without the consent of
16 the called party.

17 (c) It is an unlawful act or practice and a violation of
18 this Act for any person engaged in telephone solicitation to
19 obtain or submit for payment a check, draft, or other form of
20 negotiable paper drawn on a person's checking, savings, or
21 other account or on a bond without the person's express
22 written consent.

23 (c-1) Subsection (c) of this Section does not apply to
24 the following:

25 (1) a publicly traded corporation that is
26 registered with the Securities and Exchange Commission or
27 the Secretary of State or any subsidiary, affiliate, or
28 agent of the corporation;

29 (2) a retail company whose parent company is
30 registered with the Securities and Exchange Commission or
31 the Secretary of State or any subsidiary, affiliate, or

1 agent of the retail company; or

2 (3) a sale by an entity or any of its affiliates or
3 agents, doing business as a retailer, soliciting from a
4 consumer with whom the entity or any of its affiliates or
5 agents has an existing business relationship, or
6 soliciting from a consumer who has previously purchased
7 from the retailing entity or its affiliates.

8 As used in paragraphs (2) and (3) of this subsection
9 (c-1) only, "retailer" or "retail company" means a person or
10 company that maintains and operates a retail business
11 establishment under the same name as that used in the
12 solicitation (i) whose products or services are displayed and
13 offered for sale at the business location and (ii) a majority
14 of whose business involves consumers obtaining the products
15 or services from the business.

16 (d) Enforcement by customer. Any customer injured by a
17 violation of this Act may bring an action for the recovery of
18 damages. Judgment may be entered for 3 times the amount at
19 which the actual damages are assessed, plus costs and
20 reasonable attorney fees.

21 (e) Enforcement by Attorney General. Violation of any of
22 the provisions of this Act is an unlawful practice under
23 Section 2Z of the Consumer Fraud and Deceptive Business
24 Practices Act. All remedies, penalties, and authority granted
25 to the Attorney General by that Act shall be available to him
26 for the enforcement of this Act. In any action brought by the
27 Attorney General to enforce this Act, the court may order
28 that persons who incurred actual damages be awarded the
29 amount at which actual damages are assessed.

30 (Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.